Re. Copious reference to directives issued by the Central Govt to the State Govt.

SHRI RAM JETHMALANI (Nominated): Mr. Minister, before you start, if you don't mind, I want to say one important point. *...(Interruptions)...* Sir, yesterday, while the debate was on in the other House, there has been a copious reference to directives issued by the Central Government to the State Government. They have been widely reproduced in the press, and the Central Government, in their effort to show that they have done their Constitutional duty in the present crisis, have referred copiously to those documents. Sir, the House is entitiled to look at those documents. Those must be produced and put on the Table of the House. And, I am told that they are claiming privilege. There can be no privilege against Members of Parliament and the House to consider a document. And, if a privilege is being claimed against the House in respect of documents relied upon by the Government, it is the grossest contempt of the House.

MR. DEPUTY CHAIRMAN: The Home Minister would like to say something.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Sir, we have not referred to any document as such in yesterday's debate. We have made a statement in the House that we have advised and directed the State Government to take steps to see that those who have been ousted from their houses and farms should be facilitated to return to their places and when they return to their places, they should be given full protection and they should be given the compensation.... *(Interruptions)...*

SHRI RAM JETHMALANI: But, Sir, these directives are not oral; they are in the shape of documents. *...(Interruptions)...* That document must be put *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: That statement was made in the House.

SHRI RAM JETHMALANI: Of course, Sir, the statement was made in the House. But, they say that they have issued directions in accordance with article 355 or on the lines or article 355. *...(Interruptions)...* Is the House entitled to know this? *...(Interruptions)...*

SHRI SHIVRAJ V. PATIL: Any correspondence between the President and the Government, any correspondence between the State Government and the Union Government are privilege documents. *...(Interruptions)...*

SHRI RAM JETHMALANI: I am sorry, this is not correspondence. *...(Interruptions)...* This is not correspondence; these are Constitutional directives.

THE LEADER OF OPPOSITION (SHRI JASWANT SINGH): Sir, the hon. Home Minister stated that any correspondence or word that transpires between the Union and the State Governemnts is a privileged document. Now, my friend, Mr. Jethmalani, has made a very useful point that if a reference is made to a document, the Parliamentary propriety requires that any Member can get up and say that that document ought to be placed on the Table of the House. The hon. Home Minister is indulging in needless finesse about this matter; otherwise, it becomes a needlessly contentious issue.

SHRI SHIVRAJ V PATIL: Sir, this is not necessary to be raised on the floor of the House. Whether I give a direction on behalf of the Government of India orally or in wirtting, it is a direction, it is an advisory given to them. And, I must say that the State Government of West Bengal is willing to abide by those kinds of advices given by us. Now, what is the point in asking for the letters which have been written? I have not read anything from the written. I have not referred to any letter as such written. I have said that we have given directives and advice under this. And, it is not necessary that we should mention the articles under which the directions are given. This is unnecessary. Even if I just stand up, just stand up, and say that orally or in writting I have said this thing, what difference does it make?

SHRI SITARAM YECHURY. Sir, in this connection, I would just like to make one point. Sir, there is a certain decorum in the way our institutions function. If you recollect, there was a time when the former President of India had written to the former Prime Minister on Gujarat developments. There was a hue and cry and people said, 'Make that public' But it was never made public. *...(Interruptions)...* Even I agree with it. Likewise, with the present Governor in West Bengal, we have said that if he has to say anything, please convey it to the Government; don't go the public. Becuase this is not the decorum. *...(Interruptions)...* That is the principle that should be maintained.

MR. DEPUTY CHAIRMAN: Mr. Jethmalani, you raised a point and he had clarified it. *...(Interruptions)...* That cannot be a point for debate. *...(Interruptions)...*

SHRI RAM JETHMALANI: Sir, kindly bear with me for a second. The question is whether it was a friendly advice or a directive. He used the word 'directive' in his speech yesterday ten times. If he has said that it is a directive, then it is a constitutional document and it is his duty-to produce it. But if it is some friendly advice which he has give to comrades... *(Interruptions)...*

MR. DEPUTY-CHAIRMAN: I think this point will be clarified by the Home Minister when he replies. *...(Interruptions)...* When he replies he will clarify it. *...(Interruptions)...*

SHRI RAM JETHMALANI: We will also speak about it. *...(Interruptions)...*

SHORT DURATION DISCUSSION—Contd.

The proposal to set up SEZ in Nandigram, West Bengal and consequent large scale violence

SHRI PRIYARANJAN DASMUNSI: Mr. Deputy Chairman, Sir, I heard with rapt attention the observations made by the hon. Deputy Leader of the Opposition, Shrimati Sushma Swaraj. I also have had the opportunity to hear my learned colleague and very distinguished Leader of the CPI (M) in Parliament, Shri Sitaram Yechury. First of all, Mr. Deputy Chairman, I want to say that I respect all the Members of the House and thank all the leaders for having agreed to this text and to start the discussion.

The text is the most important thing when we discuss a matter. It contains 'SEZ' and concludes with 'violence.' Both should be given justice, so that an objective debate can take place without acrimony and without taking personal issues against one another. The debate starts with the text beginning with 'SEZ' and ending with 'violence.' Due to global economy, liberal economy, and market-driven forces operating in the economy, several State Governments, cutting across party lines, throughout the country, are very, very enthusiastic to get as much investment as they can in industrial sector and in various other sectors. No industry can take any real shape without land, be it a BJP chief Minister in a State or be it a CPI (M) Chief Minister in a State or be it a Congress Chief Minister in a State. But considering the existing Land Policy and existing Land Reforms Act in respective States, how to go about it? That is the best issue before SEZ.

Sushmaji was a distinguished Cabinet colleague in the previous Government. She had enough experience to brief the Cabinet as a Cabinet Spokesperson. She knows that the rehabilitation and resettlement issue is the basic issue of any place where land is taken up either for development purpose or for any other purpose. I am not going to provoke anyone. Yesterday, I spoke enough and I am thankful to Sushmaji for having chosen only that part of my speech, without naming me, on Mao Zedong. I will come to this later on.

Understanding the reality of future development, Resettlement and Rehabilitation process got the final seal by the NDA Government, but not with the statutory backing of a legislation. The NDA Government appointed a Committee of Secretaries. बार-बार सुझाव दिया,एक काननू